Chapter S—L 21

CLERICAL AND ACCOUNTING SERVICES

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History: Chapter S—L 21 as it existed on August 31, 1973 was repealed and a new chapter S—L 21 was created effective September 1, 1973.

S—L 21.01 Performance of clerical and accounting services. (1) Upon specific authorization of its board of directors, any savings and loan association may perform for a fee clerical and accounting services for other savings and loan associations or for other persons.

(2) Upon specific authorization of its board of directors, any savings and loan association may cause to be performed, by contract or otherwise, any clerical or accounting services, as defined in Wis. Adm. Code section S—L 21.02 (1) (a), for itself, whether on or off its premises, by another savings and loan association or person for a fee, provided assurances satisfactory to the commissioner are furnished to the commissioner by both the association and the party performing the services, that performance thereof will be subject to regulation and examination by the commissioner to the same extent as if such services were being performed by the association on its own premises.

(3) With prior approval of the commissioner, any association may perform clerical and accounting services for itself at a location other than its home office or an approved branch. No clerical or accounting functions involving direct contact with persons not employed by the association shall be permitted, and the association shall in no way advertise or otherwise state or imply that such location is a separate office, as defined in chapter 215, Wis. Stats., of the association. Such location shall be considered an extension of the association's home office and shall not be construed as a branch office within the meaning of chapter 215, Wis. Stats.

History: Cr. Register, August, 1973, No. 212, eff. 9-1-73.

S—L 21.02 Data processing service corporations. (1) Definitions. Unless the context requires otherwise:

(a) "Clerical and accounting services" means the posting of payments, withdrawals, computation and distribution of earnings on savings accounts; the posting of entries on accounts of borrowing members, the posting of payments and credits thereon, and the computation of interest and other charges thereon, and the computation of the contractual status of loan accounts; the preparations and mailing of checks, statements, notices and similar items; or any other clerical, bookkeeping, accounting, statistical or other similar functions performed for a savings and loan association.

(b) "Data processing service corporation" means a corporation organized pursuant to the provisions of chapter 180, Wis. Stats., solely to perform clerical and accounting services for one or more savings and loan associations or for other persons, and which corporation is owned solely by one or more financial institutions with home offices in Wisconsin.

(c) "Investment" means money advanced, directly or indirectly, by a savings and loan association to a service corporation for capital stock, obligations or other securities, including mortgage loans made in accordance with section 215.21, Wis. Stats. Such investments are made pursuant to subsection 215.13 (26) (f), Wis. Stats.

(d) "Financial institution" means any state or federally chartered savings and loan association, bank, credit union or mutual savings bank.

History: Cr. Register, August, 1973, No. 212, eff. 9-1-73; am. (1) (b) and cr. (1) (d), Register, March, 1976, No. 243, eff. 4-1-76.

S—L 21.03 Maximum investment in a data processing service corporation. (1) The maximum amount of investment of any savings and loan association in a data processing service corporation shall not exceed 1% of the total assets of the individual savings and loan association except as provided in subsection (2).

(2) If the investment in a data processing service corporation has been held by an association and one or more other financial institutions, and one of the financial institutions ceases to hold an investment in it, the data processing service corporation may continue to function, and any remaining state-chartered association or associations may purchase, at fair market value, the investment of the terminating institution, providing the aggregate investment of none of the remaining state-chartered associations exceeds 1½% of its total assets.

History: Cr. Register, August, 1973, No. 212, eff. 9-1-73; am. (2), Register, March, 1976, No. 243, eff. 4-1-76.

S—L 21.04 Availability of services of a data processing service corporation. Whenever a savings and loan association (referred to in this subsection as an "applying association") applies for a type of clerical and accounting services for itself from a data processing service corporation which supplies the same type of service to another savings and loan association with which the applying association is competitive, the data processing service corporation must offer to supply such services to the applying association by either:

(1) Allowing investment by the applying association and furnishing services to it on the same basis as to other savings and loan associations holding investments in the data processing services corporation, or

(2) Furnishing association services to the applying association at rates no higher than necessary to reflect the cost of the services, including the reasonable cost of the capital provided to the data processing service corporation at the data processing service corporation's option, unless comparable services at competitive overall costs are available to the applying association from another source, or unless the furnishing of services sought by the applying association would be beyond the practical capacity of the data processing service

corporation. In any action or proceeding to enforce the duty imposed by this subsection, or for damages for the breach thereof, the burden shall be on the data processing service corporation to show such availability.

History: Cr. Register, August, 1973, No. 212, eff. 9-1-73.

S—L 21.05 Limitation of service corporation's activities. The articles of incorporation, filed with the secretary of state, shall state that the sole purpose of the "data processing service corporation," is to furnish clerical and accounting services.

History: Cr. Register, August, 1973, No. 212, eff. 9-1-73.

S—L 21.06 Supervision and control of service corporations. Data processing service corporations, organized pursuant to the provisions of this chapter, shall be under the supervision and control of the savings and loan commissioner and may be periodically examined by him at the data processing service corporation's expense.

History: Cr. Register, August, 1973, No. 212, eff. 9-1-73.

S—L 21.07 Applicability of chapter S—L 24. The provisions of section S—L 24.06, Wis. Adm. Code, not in conflict with this chapter shall apply to all data processing service corporations.

History: Cr. Register, August, 1973, No. 212, eff. 9-1-73.